

REMARKS

Claims 2-12 were pending in the Office Action dated January 21, 2005. The Examiner objected to claims 2-12 as failing to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph. In order to address the Examiner's concerns, Applicants have cancelled claims 2-4, revised claims 5-12 and added claims 13-18 to clarify and broaden the scope of these prior claims. With this response, Applicants have corrected the noted informalities and have not amended any of the pending claims for reasons relating to patentability. The specification supports the addition of the new claims. No new matter has been added.

Accordingly, Applicants request that the Examiner withdraw the previous rejections of the pending claims. Reconsideration of the application is respectfully requested in light of the following remarks and the above amendments. The rejections asserted in the Non-Final Office Action of January 21, 2005 are discussed below in connection with the various claims.

REJECTIONS UNDER 35 U.S.C. § 112, first paragraph

Applicants respectfully disagree with the Examiner's assertion that the pending claims are not enabled by the specification as provided. For example, the Examiner asserts that:

"[t]he language [in the specification] does not convey any means or method of the control equipment to receive information related to the electrovalve being opened and closed. Nor does it convey the control equipment provides the information related to the electro-valve being opened and closed through the concentrator to the central data system."

Office Action dated January 21, 2005, pages 2-3.

On the contrary, Applicants' specification clearly recites supports the pending claims. Specifically, on page 8, the Abstract states in relevant part:

"The system is based on incorporating an electronic counter (2), and an electrovalve (3) to each customer's private installation. These are intercalated in the water supply tube (6) and associated to a control card (4) so that this card reads the electronic counter (2) on a permanent basis, transmitting this information to a central data system. The card also receives instructions from the data system to control the electrovalve (3), allowing it to be remotely opened and closed. This system allows remote reading, giving detailed information on instantaneous consumption over time and periodical consumption for the purpose of invoicing. It also allows remote supply disconnection, to avoid leakage, fraud, non-payment, etc."

In one embodiment of the present invention, one or more individual control equipment ("controller") is provided. The controller includes an electronic counter which remotely assesses the amount of water consumed in a given period and an electrovalve that controls the flow of water to its desired location. Both the electronic counter and electrovalve are connected to an electronic control card that allows the user to remotely read the electronic counter as well as open and close the electrovalve as needed. The electronic control card is connected to a concentrator that can be used to connect multiple controllers to a central control system.

The concentrator has a computer, a communications adapter which is connected to each controller and a second communications adapter that is connected to a central data system. In the event that multiple controllers are used, the connector can be connected to a communication system such as a telephone wire, wireless telephone system, local area network, radio, optic link, etc.

Applicants respectfully disagree with the Examiner's rejection of the pending claims for a lack of enablement. Specifically, Applicants assert that the specification clearly provides the requisite support for the pending claims. "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art

without undue experimentation." MPEP § 2164.01. The revised claims as written are clearly supported by Applicants' specification.

With respect to Claim 5, the Examiner asserts that there is no relationship between "the control card and counter 'accessing opening and closing of the electrovalve due to fluid flow through the connection socket.'" Office Action, p. 3, lines 7-9. Applicants have revised this claim for purposes of clarifying the claim language. In Applicants' specification, one of the objects of the present invention is "to be able to read the counter remotely from a central data system and on the other, to be able to detect involuntary consumption, for example, due to leakage, also remotely and if necessary to disconnect the water supply." Applicants' specification, page 1, lines 14-15. Consequently, in order to achieve the desired result, the control card receives information through the communication network regarding the amount of water consumed by reading the numerical value of the counter. In addition, the control card also receives information relating to whether the electrovalve is opened or closed. Accordingly, inherent in practicing this invention is the ability for the control card to remotely disconnect the water supply in the event of an involuntary or voluntary loss in the water supply system.

For example, in the event that the counter provides a reading showing a large consumption of water, the user immediately determine whether the consumption is involuntary or voluntary. The user can check whether the electrovalve is opened or closed to determine whether a leakage has occurred and immediately remedy the problem by remotely shutting off the water supply. Therefore, for the remote management system of the present invention to be useful, the user must be able at all times to determine how much water has been consumed. As stated above, the present invention refers to a remote management system for monitoring the

consumption of water in a given period. Consequently, Applicants disagree with the Examiner's assertion that claim 5 is not enabled for the reasons discussed above.

With respect to claim 10, Applicants repeat their previous arguments relating to the relationship between the elements in the central data system. The Examiner asserts that there is no "language to support [that] the present application is designed to or has the desire to obtain information regarding the opening and closing of the electro-valves." Office Action at page 3, lines 12-14.

In response, Applicants direct the Examiner to Applicants' specification which states in relevant part:

"[T]he management system for water consumption proposed by this invention is based on the installation, for each customer, of a set of individual control equipment (1) comprised by an electronic counter (2) and an electrovalve (3), where these elements (2) and (3) are assisted by an electronic control card (4), so that it is possible to act upon the electrovalve (3), opening and closing same, and that it is also able to read the electronic counter on a permanent basis (2).

Applicants' specification, page 5, lines 23-28.

As evidenced by the preceding excerpt, Applicants have provided sufficient disclosure to enable one of ordinary skill to practice the present invention.

Applicants' disclosure is sufficient and does not require one of ordinary skill in the art to undergo any undue experimentation to practice the present invention.

Furthermore, "[t]he test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, it is undue." MPEP § 2164.01. Applicants have disclosed all of the claim elements in complete detail in the specification and accordingly, Examiner's enablement rejections in the present application should be withdrawn.

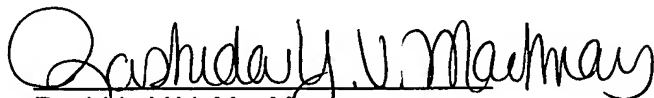
Dependent claims 6-9, and 11-12, which depend from claims 5 and 10, were also rejected as failing to comply with the enablement requirement under

35 U.S.C. § 112, first paragraph. Dependents claims 6-9 and 11-12 should be allowed for the reasons set out above for the claims from which they depend. Applicants therefore request that the Examiner withdraw this rejection of these claims.

CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, Applicants respectfully submit that all of the presently presented claims are in form for allowance, and such action is requested in due course. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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